

OLC 78-0545/2

4 May 1978

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*Pro/Leg*

MEMORANDUM FOR: Director of Central Intelligence

FROM:

Acting Legislative Counsel

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SUBJECT: Proposed Firearms Legislation

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1. ☐ Action Requested: It is requested that you sign the attached letters to the Speaker of the House of Representatives and the President of the Senate transmitting our proposed firearms legislation. The proposal incorporates some changes suggested by the Office of Management and Budget and the Department of Justice, both of which have approved the proposal so modified.

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2. ☐ Background: As you are aware, our present statutory authority for arming Agency employees extends only to "couriers and guards ... engaged in transportation of confidential documents and materials affecting the national defense and security" (subsection 5(b) of the Central Intelligence Agency Act of 1949, as amended). For some time, the Office of General Counsel and the Office of Security have been concerned that the specific statutory authority is inadequate, particularly as regards our use of armed guards . Fortunately, to date there have been no serious incidents involving use of firearms by Agency employees. The existing statutory authority, however, is ambiguous at best. This has become an inhibiting factor, because the authority under which an Agency officer may be authorized to carry a firearm is seen as uncertain; moreover, the present statutory authority could prove troublesome in any legal proceedings that could develop if there were a serious incident involving the use of firearms.

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Because of these concerns we feel it is important to attempt to obtain statutory clarification of the Director's authority to authorize Agency employees to carry firearms within the United States. The charter legislation now before the Congress contains a firearms authority provision which, although in its present form is insufficient, could be used as a vehicle to obtain such congressional action. Enactment of the charter legislation is some time away, however, and the Office of General Counsel and the Office of Security strongly believe it is important to seek enactment of new firearms legislation as soon as possible.

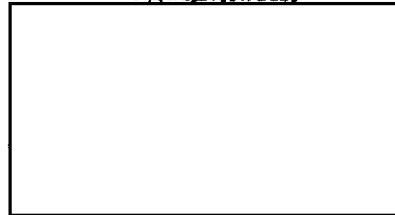
Both OMB and the Department of Justice proposed amendments to our proposal that have the effect of limiting the circumstances under which Agency employees could carry firearms. Although these proposed amendments are acceptable to us, and have been incorporated in the proposal, they do point out that there is potential for misunderstanding of our proposed legislation; it is reasonable to assume we will encounter some opposition in Congress. In other words, there are persons who are likely to view a proposal granting or extending an authority whereby non-law enforcement Government employees are authorized to carry firearms as an unwarranted expansion of Government authority and a danger to the public at large. There is always the danger, of course, that sentiments like these will find a particularly attractive target in the CIA. Nonetheless, we believe our proposed legislation extends no further than that authority we believe necessary to protect Agency information, facilities and employees from harm. There may also be members of Congress who will take the position that consideration of this matter should be considered only in the context of the charter legislation and would recommend that the matter be so deferred. We believe, however, that every effort should be made to obtain clarified statutory authority to carry firearms as soon as possible and that we should therefore move forward independent of the charter legislation. We have kept the staffs of our oversight committees informed of our interest in this matter, and they have been alerted that this proposal is going forward.

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3. (U) Staff Position: The DDA, the Office of Security and the Office of General Counsel have been involved in this process and concur with this memorandum and with the need to forward this proposal to the Congress.

4. (U) Recommendation: It is recommended that you approve and sign the letters to the Speaker of the House and the President of the Senate transmitting our proposed firearms legislation.



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Attachments

/s/ Stansfield Turner

APPROVED: \_\_\_\_\_  
Director of Central Intelligence

DISAPPROVED: \_\_\_\_\_  
Director of Central Intelligence

Date: 11 MAY 1978

Distribution:

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